

No. 51174*

**United States of America
and
Grenada**

Exchange of notes constituting an agreement between the United States and Grenada regarding the surrender of persons to the International Criminal Court. New York, 11 March 2004, and Washington, 11 March 2004

Entry into force: *11 March 2004 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

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**États-Unis d'Amérique
et
Grenade**

Échange de notes constituant un accord entre les États-Unis d'Amérique et la Grenade relatif à la remise de personnes à la Cour pénale internationale. New York, 11 mars 2004, et Washington, 11 mars 2004

Entrée en vigueur : *11 mars 2004 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 20 août 2013*

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[ENGLISH TEXT – TEXTE ANGLAIS]

I

DEPARTMENT OF STATE

WASHINGTON

March 11, 2004

Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of Grenada regarding the surrender of persons to the International Criminal Court.

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

His Excellency

Elvin Nimrod,

Minister for Foreign Affairs and

International Trade of Grenada.

Considering that the Government of the United States of America and the Government of Grenada have each expressed their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or other nationals.

Bearing in mind Article 98 of the Rome Statute,

I have the honor to propose the following agreement:

1. For purposes of this Agreement, “persons of the United States of America” are current or former United States Government officials, employees (including contractors), or military personnel or United States nationals.
2. Persons of the United States of America present in the territory of Grenada shall not, absent the express consent of the Government of the United States of America,
 - (a) be surrendered or transferred by any means to the International Criminal Court for any purpose, or
 - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.

3. When the Government of Grenada extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Grenada will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of the United States of America.

4. This Agreement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

If the proposal set forth herein is acceptable to the Government of Grenada, this note and Your Excellency's affirmative note in reply shall constitute an agreement between our two Governments which shall enter into force on the date of Your note.

For the Secretary of State:

A handwritten signature in black ink, appearing to read "Stephen G. Radack". The signature is fluid and cursive, with the first name "Stephen" and last name "Radack" clearly distinguishable.